



## **COMMUNITY DEVELOPMENT DEPARTMENT**

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### **PLANNING COMMISSION MEETING MINUTES**

#### **REGULAR MEETING**

**JULY 22, 2003**

**PRESENT:** Acevedo, Benich, Escobar, Engles, Lyle, Mueller, Weston

**ABSENT:** None

**LATE:** None

**STAFF:** Planning Manager (PM) Rowe, Deputy Director of Public Works /Engineering (DDPW/E) Bjarke, and Minutes Clerk Johnson

Chair Mueller called the meeting to order at 7:01 p.m. by requesting that Jackie Carrasco who has been the videographer for the Commission for the past 6 years and is now leaving, lead the flag salute. She also thanked the Commissioners and staff for the opportunity to have served the City.

#### **DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Chair Mueller opened the public hearing.

Commissioner Acevedo stated that recent media reports indicated that there were planned PGA tournaments for the Institute Golf Club. He cited the joint workshop, which had been held with the City Council and City staff, during which it was specifically stated that such tournaments would not be planned. Commissioner Acevedo said that these reports were distressing in that traffic plans for the project did not include discussion/planning for creation of these types of events.

Commissioner Escobar noted that since such use was not indicated in the EIR, if these types of activities would be planned, the issue would have to be returned to the Commission for action.

PM Rowe stated that, indeed, such activity was not mentioned in the original application and there is no indication that the current facilities have the capability of handling large

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events with thousands of attendees, there was no study made of such possibility. He went on to inform that the EIR could be updated at the request of, and with data from, the applicant. "We have asked for more information, and anticipate completion of the EIR in mid-September," PM Rowe said.

As no other issues not on the agenda arose, the public hearing was closed.

### MINUTES:

**June 17, 2003**      **COMMISSIONERS WESTON/ACEVEDO MOTIONED TO APPROVE THE JUNE 17, 2003 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 7, paragraph 8, Record was corrected to show that Commissioner Mueller voted 'no' during the straw vote.

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: ESCOBAR, ENGLES ; ABSENT: NONE.**

**July 8, 2003**      **COMMISSIONERS ACEVEDO/ESCOBAAR MOTIONED TO APPROVE THE JULY 8, 2003 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 2 1<sup>st</sup> paragraph, last sentence (add/correct): *noting that SE Creer had ultimately agreed that the information had not previously been presented. Consequently, SE Creer concluded, "Yes, this was new information."*

Page 3 (Motion) **CONTINUE TABLE**

Page 5 (Motion) **BENICH ENGLES WAS ABSENT**

Page 6 paragraph 6: ~~before~~ *after*

Page 6 paragraph 8: were ~~not~~ looking at *a future* build-out

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: ENGLES; ABSENT: NONE.**

### NEW BUSINESS:

**1) SD-03-02/  
DA-03-03: HALE-  
GARCIA**

A request for approval of a 12-lot subdivision located within the Capriano project located on the west side of Monterey Rd., east of Hale and south of Tilton Ave. Also requested is the approval of a development agreement for the phase V of the Capriano project.

PM Rowe gave the staff report, providing the background of the proposal and indicating this will complete one-half of the first year building allotments awarded in April 2003. He also explained that the delays, including the two continuations to this meeting, had concluded with the decision regarding the three appeals to the City Council on July 16, 2003. The City Council, PM Rowe said, upheld the recommendations made by the Commissioners with no increase in the allocations given originally. He went on to say that all the developers who received allocations had been notified. This resolution allows the Commission to now take action on the subdivision request.

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Commissioner Benich directed attention to the Standard Agreement, page 7, condition 2, questioning the rationale for 9.5% requirement for BMRs. He reminded that there had been considerable discussion regarding those percentages during the application and appeals hearings. Commissioner Benich said he raised the issue to ensure fairness and to eliminate confusion of the matter.

PM Rowe explained the fractional share adjustment, indicating that the BMR requirement has 'entire project' basis and that there has been no reduction of the requirement. He said he would 'double check' if further information is needed.

Commissioner Weston reminded that item 5, page 3 of the Standard Conditions should be checked.

Commissioner Lyle called attention to the inaccuracy of dates in Exhibit B, which PM Rowe assured will be corrected.

Chair Mueller opened the public hearing.

With no persons present indicating a wish to speak to the matter, the public hearing was closed.

Having discussed and approved the necessary changes to the resolutions, the following action occurred:

**COMMISSIONER ENGLES OFFERED RESOLUTION NO. 03-32, APPROVING A 12-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON A 2.7-ACRE PORTION OF THE CAPRIANO PROJECT SITE, LOCATED ON THE SOUTH SIDE OF TILTON AVE., WEST OF MONTEREY RD., AND EAST OF HALE AVE. IN AN R-1 (12,000)/PUD ZONING DISTRICT. COMMISSIONER BENICH SECONDED THE MOTION, WHICH CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLES, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**COMMISSIONERS ENGLES/BENICH OFFERED RESOLUTION NO. 03-33 RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT, DA-03-03: HALE-GARCIA. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.**

Commissioner Weston commented that, although there have been many discussions regarding the noticed site plan, there are four lots on Tilton which were eliminated from the plan, and are now for sale independently. However, he said, the design plan was never changed. Commissioner Weston said his concern is to retain consistency of plan.

### 2) RDCS QUARTERLY REPORT

PM Rowe presented the staff report, saying the RDCS Quarterly Report is required to be presented to the Commissioners for review. He announced that two of the projects are technically behind schedule, then went on to provide progress reports for each, noting that the paper work required for submittal has been delayed for reasons beyond

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the developers' control. PM Rowe also called attention to the completed projects, which will now be removed from the report.

Commissioner Benich said he is amazed at the age of some of the projects that are still not completed. "Is this *normal* practice?" he asked.

PM Rowe explained with the use of the report on page 1 as he cited specific projects, the reasons for those extensive time frames. He also reminded that City Council practice is not to reclaim unfinished projects/unused allocations for Measure P competition, but to reallocate to existing projects, which had not received full allocations. PM Rowe called attention to the 95%+ projects which are using the allocations given and proceeding toward completion.

Commissioner Acevedo initiated discussion regarding the current Measure P population and housing allocation caps.

Chair Mueller said that an important bit of data is missing for the Commissioners in the quest to project the timeline for providing allocations: How many housing units are in the pipeline based on the numbers for population provided by the CA Department of Finance versus the actual number the City has on the books.

Chair Mueller opened the public hearing.

With no one present to address the item, the public hearing was closed.

**COMMISSIONER ESCOBAR MOVED TO ACCEPT THE 2003 SECOND QUARTER RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) REPORT AS PRESENTED, AND FORWARD THE REPORT TO THE CITY COUNCIL. THE MOTION WAS SECONDED BY COMMISSIONER WESTON AND PASSED WITH THE AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT.**

### OTHER BUSINESS:

**3) ZA-03-06: TEXT AMENDMENT/ MOBILE HOME CONVERSIONS** A request for zoning amendment to Title 18 of the Municipal Code, specifically Sections 18.30.010, 18.30.050 and 18.30.110 of Chapter 18.30 (PUD, Planned Unit Development District), to be consistent with the City's new Mobile Home Conversion Ordinance.

PM Rowe reported that the City is currently in the process of finalizing a new Mobilehome Park Conversion Ordinance. The purpose of the Ordinance is to:

- facilitate the conversion of Mobilehome Parks to resident ownership
- inform prospective conversion purchasers about the physical conditions of the structures and land offered for purchase
- reduce and avoid the displacement of long-term residents, particularly senior citizens, from mobilehome parks.

The Ordinance also establishes requirements and procedures for the conversion of mobilehome parks to other uses, PM Rowe said.

PM Rowe reminded this matter had been continued to this meeting pending

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corrections and updates requested by the Commissioners. He rapidly reviewed those with the Commissioners, including the decision to have the PUD chapter remain, instead of applying the RPD chapter. There is provision within the Ordinance, PM Rowe said, for the City Council to make changes to the Ordinance as warranted.

Chair Mueller opened the public hearing.

Commissioner Lyle discussed with Mark Moore, 575 San Pedro, # 19, who has been a member of the Mobilehome Conversion Task Force, Section 17.384.20. Commissioner Lyle expressed concern that there is no 'cap' or upper limit for the upgrade, which a resident may demand. Mr. Moore responded that had not been a focus of the Task Force, noting that this section was patterned ~~direction~~ directly on materials obtained from the City of San Jose. Commissioner Lyle commented that there needs to be some measure of comparability contained in the section.

Chair Mueller suggested the matter be returned to the Task Force. Mr. Moore explained the work of the Task Force has been completed with all production having been provided to the City Attorney for work on the Ordinance.

It was noted that there is an appraisal process requirement in the Ordinance. Discussion ensued as to having the inclusion of language for the measure of comparability contained therein.

In view of the fact that no persons were present to address the matter, the public hearing was closed.

PM Rowe called attention to the probability of zoning code changes as a result of the new Ordinance.

Commissioner Benich said he wanted to ensure that the intent of the Ordinance is to prohibit owners from merely changing the land use to Commercial. "I don't want to see residents displaced just to set up more commercial areas," he said.

Chair Mueller referenced the need to meet State law, which he said the Ordinance will do. He also stated that there are 2 – 3 small mobile parks, which provide substandard housing, and this will permit the City to look at upgrading those. Reacting to Commissioners comments, Chair Mueller explained the provisions of state law, going on to state the reasons why the PUD is good here.

The Commissioners continued discussion by exploring the requirements of Mobilehome park owners to give notice to residents to purchase the spaces or move from the site pending conversion of use.

Providing the caveat that he was asking City staff to closely review Section 17.384.20 of the Ordinance, **COMMISSIONER LYLE OFFERED RESOLUTION NO. 03-56, RECOMMENDING APPROVAL OF AMENDMENTS TO SECTIONS 18.30.010, 18.30.020, 18.30.050, AND 18.30.110 OF CHAPTER 18.30 (PUD PLANNED UNIT DEVELOPMENT DISTRICT) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING AMENDMENT FOR CONSISTENCY WITH THE MOBILE HOME**

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**CONVERSION ORDINANCE. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ENGLS, ESCOBAR, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

Chair Mueller reminded that there are numbering changes in the Ordinance, which need to be corrected.

#### **4) POLICY ESTABLISHING GUIDELINES FOR PREPARATION OF TRANSPORTATION IMPACT REPORTS**

PM Rowe reported this matter was first reviewed at the July 8, 2003 meeting when several changes were proposed to the policy guidelines, as well as productive questions and suggestions. PM Rowe reviewed those changes and updates to the document prepared for the meeting tonight. One of the issues was the extension of 'peak hours' times, which PM Rowe said he had been informed would increase the cost of the traffic surveys by 50%.

PM Rowe explained the standardization of methodology and content needed for the traffic surveys and studies as he responded to a question by Commissioner Engles. PM Rowe also emphasized the need for consistency of data for the studies as the City utilizes a number of traffic consultants.

Commissioner Weston asked if it would be wise to consider having one traffic consultant firm do all the work under contract? Opinion of other Commissioners and staff indicate that it is better to work with more than one firm in case there is a error in calculations, which might be perpetuated through the use of the same personnel.

Chair Mueller expressed concern with the text of the guidelines on pages 2 and 3 dealing with the range of trips required to increase the study level of an intersection ranked at level C. PM Rowe explained how and when the need for traffic analysis of intersections is activated. Chair Mueller also called attention to the intersections, which have fewer than 10 trips, and these don't require a study. Again, PM Rowe explained how the need for traffic analysis at these locations – as well as the amounts of traffic - is determined.

Commissioner Engles left the meeting at 7:55 p.m. and returned at 7:57 p.m.

Commissioner Acevedo expressed concern that the City staff determines the number of trips generated by a project while a traffic engineer will specialize in looking at the intersection use. PM Rowe responded that the staff uses published standardized data, as well as information provided by the applicants for determining the number of trips a business will generate.

Considerable discussion ensued regarding the inconsistencies in the General Plan EIR regarding traffic, with Chair Mueller repeatedly pointing out that document is being updated and should be completed in October. Chair Mueller also stated that the model used for that EIR was flawed as he cited the Murphy/Condit issues as being of concern in relation to traffic. "We rely on staff not to overtax the intersections," he concluded. "And we need thorough discussion of the General Plan Traffic report in October, as there are definitely some problems."

Commissioner Escobar commented that in view of the statements made by Chair

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Mueller, it may be necessary for the Commissioners to redo the General Plan study or factor each project. Commissioner Weston suggested a phased mitigation plan might help.

Commissioner Lyle said that the document only indicates that left turns activate a warrant study, but he felt that increases in through could also trigger such a study. Commissioner Lyle continued by saying that significant degradations in intersection traffic from the project period to the General Plan build-out condition should trigger a narrative-only section in the traffic study as to what would likely happen AFTER the General Plan time frame.

Commissioner Acevedo stated that it is the intent of the Commissioners to always meet CEQA requirements, but it would be beneficial to lessen or lighten the language so that more staff discretion could be made in calling for traffic studies for the projects.

Following comprehensive discussion, Commissioners turned attention to page 2, the last paragraph of A, making the following change:

**....development project would ~~warrant~~ merit a full transportation impact analysis or prompt staff to order a warrant study.**

Chair Mueller opened the public hearing.

With no one present to address the matter, the public hearing was closed.

**COMMISSIONERS ESCOBAR/WESTON MOTIONED TO ADOPT THE GUIDELINES FOR PREPARATION OF TRANSPORTATION IMPACT REPORTS AS MODIFIED BY DISCUSSION AND NOTED HEREIN. THE MOTION PASSED WITH THE UNANIMOUS APPROVAL BY ALL COMMISSIONERS PRESENT.**

### ANNOUNCEMENTS:

PM Rowe informed of the City Council actions at the July 16 meeting:

As indicated earlier in this meeting, the recommendations on the three appeals (June 16, 2003 special meeting) were upheld with no changes in the allocation awards previously recommended. The Council did, however, recommend that the Dempsey and Odisho applications *also be considered for any supplemental allotments for FY's 2004/05 and 2005/06 resulting from the passage of the Measure P update.*

The Council approved the action regarding the inclusion of the Clayton property in to the General Plan line and the changes at the Boys Ranch site for construction of the water tank for the City.

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**ADJOURNMENT:** There being no further business, Chair Mueller adjourned the meeting at 8:30 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**